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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,267	11/17/2003	Sung-Jin Gu	Q77389	1478
23373 7590 09/14/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SHAPIRO, LEONID	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,267

Applicant(s)

GU, SUNG-JIN

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 12-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-6, 11, 16-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,4,7,10,13,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toffolo et al. (US Patent No. 6,628,247 B2) in view of Klein (US Patent No. 6,401,209 B1).

As to claim 1, Toffolo et al. teaches an image displayer having a function of automatically eliminating an afterimage (See Col. 1, Lines 5-9), the image displayer comprising:

a signal processing unit for processing signals and outputting video signals to a display (See Fig. 1, items 24-26, Col. 2, Lines 10-20);

a still picture corresponding to video signals of an identical pattern outputted from the signal processing unit is displayed on the display beyond a pre-set time (See Fig. 2, items 30, 32a,b, Col. 2, Lines 33-35); and

a control unit for controlling the signal processing unit (See Fig. 1, items 24-25) to display an afterimage-eliminating picture on the display eliminating the afterimage caused due to the still picture (See Fig. 3, items 30,32b, Col. 2, Lines 45-58).

Toffolo et al. does not disclose a detecting sensor for detecting whether there exists a user within a predetermined range from the display.

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Klein teaches a detecting sensor for detecting whether there exists a user within a predetermined range from the display (See Fig. 2, item 100, Col. 3, Lines 23-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Klein into Toffolo et al. system in order to automatically switch computer to different mode when a computer user leaves the proximity of computer (See Col. 2, Lines 32-35).

As to claim 7 Toffolo et al. teaches an image displayer (See Col. 1, Lines 5-9) comprising:

- a display (See Fig. 1, item 22, from Col. 1, Line 66 to Col. 2, Line 9);

- a processor for processing signals to be displayed on a display (See Fig. 1, items 24-26, Col. 2, Lines 10-20);

- a still picture is output from the processor and displayed on the display beyond a pre-set time (See Fig. 2, items 30, 32a,b, Col. 2, Lines 33-35); and

- a controller unit for controlling the processor (See Fig. 1, items 24-25) to display an afterimage-eliminating picture on the display eliminating the afterimage caused due to the still picture (See Fig. 3, items 30,32b, Col. 2, Lines 45-58).

Toffolo et al. does not disclose a detecting sensor for detecting whether there exists a user within a predetermined range from the display.

Klein teaches a detecting sensor for detecting whether there exists a user within a predetermined range from the display (See Fig. 2, item 100, Col. 3, Lines 23-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Klein into Toffolo et al. system in order to

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automatically switch computer to different mode when a computer user leaves the proximity of computer (See Col. 2, Lines 32-35).

As to claim 13, Toffolo et al. teaches an afterimage-eliminating method of an image displayer having a function of automatically eliminating an afterimage (See Col. 1, Lines 5-9), the method comprising the steps of:

processing signals inputted from an external device and outputting video signals to a display (See Fig. 1, items 24-26, Col. 2, Lines 10-20);

sequentially comparing the video signals as outputted by each frame, thereby detecting a still picture in which identical video signals are inputted beyond a pre-set time (See Fig. 2, items 30, 32a,b, Col. 2, Lines 33-35); and

displaying on the display an afterimage-eliminating picture on the display eliminating the afterimage caused due to the still picture (See Fig. 3, items 30,32b, Col. 2, Lines 45-58).

Toffolo et al. does not disclose a detecting sensor for detecting whether there exists a user within a predetermined range from the display.

Klein teaches a detecting sensor for detecting whether there exists a user within a predetermined range from the display (See Fig. 2, item 100, Col. 3, Lines 23-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Klein into Toffolo et al. system in order to automatically switch computer to different mode when a computer user leaves the proximity of computer (See Col. 2, Lines 32-35).

As to claims 4,10 Toffolo et al. teaches a comparator for comparing the signals outputted from the processor thereby detecting the still picture (See Fig. 2, items 30, 32a,b, Col. 2, Lines 33-35);

a command generator for outputting a command to eliminate the afterimage when the still picture is detected and the non-presence of the user is detected; an afterimage-eliminating picture generator for generating and outputting

to the processor an afterimage-eliminating picture signal (See Fig. 3, items 30,32b, Col. 2, Lines 45-58).

As to claim 18, Toffolo et al. teaches an afterimage-eliminating method of an image displayer (See Col. 1, Lines 5-9) comprising:

processing input signals to be displayed on a display (See Fig. 1, items 24-26, Col. 2, Lines 10-20);

sequentially comparing the input signals, detecting a still picture when the respective,sequentially compared input signals are identical beyond a preset time period (See Fig. 2, items 30, 32a,b, Col. 2, Lines 33-35); and

displaying on the display an afterimage-eliminating picture on the display eliminating the afterimage caused due to the still picture (See Fig. 3, items 30,32b, Col. 2, Lines 45-58).

Toffolo et al. does not disclose a detecting sensor for detecting whether there exists a user within a predetermined range from the display.

Klein teaches a detecting sensor for detecting whether there exists a user within a predetermined range from the display (See Fig. 2, item 100, Col. 3, Lines 23-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Klein into Toffolo et al. system in order to automatically switch computer to different mode when a computer user leaves the proximity of computer (See Col. 2, Lines 32-35).

2. Claims 2-3,8-9,11-12,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toffolo et al. and Klein as applied to claims 1,7,13 above, and further in view of Matsuda (JP 07-295531).

As to claims 2,8,11,14 Toffolo et al. and Klein do not disclose an On-Screen Display (OSD) processing unit outputting to the signal processing unit a pre-set OSD signal indicating that the afterimage-eliminating picture is being displayed on the display, corresponding to a signal outputted from the control unit when the afterimage-eliminating picture is displayed on the display.

Matsuda teaches a message window (pre-set OSD signal in the Application) (See paragraphs 0046-0047).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Matsuda into Klein and Toffolo et al. system in order to prevent sticking (See Purpose in the Matsuda reference).

As to claims 3,9,12,15 Toffolo et al. and Klein do not disclose the steps of outputting a pre-set audio signal to output a voice message from an audio emitter

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indicating that the afterimage-eliminating picture is being displayed when the afterimage-eliminating picture is displayed on the display.

Matsuda teaches the steps of outputting a pre-set audio signal to output a voice message from an audio emitter indicating that the afterimage-eliminating picture is being displayed when the afterimage-eliminating picture is displayed on the display (See Constitution).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Matsuda into Klein and Toffolo et al. system in order to prevent sticking (See Purpose in the Matsuda reference).

Allowable Subject Matter

3. Claims 5-6, 11,16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Relative to claims 5,11,16 the major difference between the teaching of the prior art of record (Toffolo et al., Klein and Matsuda) and the instant invention is that on receipt of a signal indicating that there exists a user within the predetermined range from the detecting sensor, the controller controls the OSD processing unit to output a pre-set OSD signal to the signal processing unit, thereby allowing the user to select whether to perform an afterimage-eliminating function.

Claims 6 and 17 depend on claims 5 and 16.

Response to Arguments

5. Applicant's arguments filed on 03/20/07 have been fully considered but they are not persuasive:

On page 3, 2nd paragraph of Remark, Applicant's stated that Toffolo appears to implement a completely different method for correcting after-images than the present invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., correcting after-images by the present invention) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 4, 2nd paragraph of Remark, Applicant's stated that while not dispositive, the fact that two references are from non-analogous art is strongly suggestive of the fact that one of ordinary skill in the art would not have been motivated to combine the two references.

In response to applicant's argument that references are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

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invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, be reasonably pertinent to the particular problem with which the applicant was concerned.

On page 4, 3rd paragraph of Remark, Applicant's stated that the teachings of two references are not sufficient to establish a *prima facie* case of obviousness if the proposed modification or combination of the references would change the principle of operation of the prior art invention being modified. However, "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference.... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). See also *In re Sneed*, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983) ("[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review."); and *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973) ("Combining the teachings of references does not involve an ability to combine their specific structures."). However, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11.11.07



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